



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James A. Proctor, Jr., and Pertti O. Alapuranen
Application No.: 10/717,995 Group: 2681
Filed: November 20, 2003 Examiner: Not assigned
Confirmation No.: 7655
For: METHOD AND APPARATUS FOR ALLOWING SOFT HANDOFF OF A
CDMA REVERSE LINK UTILIZING AN ORTHOGONAL CHANNEL
STRUCTURE

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
on <u>April 16, 2004</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	
Typed or printed name of person signing certificate	

PETITION UNDER 37 C.F.R. § 1.47(a) AND TRANSMITTAL
OF DECLARATION

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Tantivy Communications, Inc. and Pertti O. Alapuranen hereby petition that the above-captioned application be accepted under 37 C.F.R. § 1.47(a). The petition fee required under 37 C.F.R. § 1.17(h) is provided herewith.

One of the inventors James A. Proctor, Jr., has not returned a signed Declaration for the above-referenced patent application despite attempts.

On November 20, 2003, the application materials for the above-referenced application, including the specification, claims, abstract, and informal drawings ("the application papers") were deposited with the U.S. Postal Service under 37 C.F.R. § 1.10.

On December 15, 2003, I forwarded a copy of all the application papers, including a Declaration and Assignment form to Mr. James A. Proctor, Jr., at his last known address. On March 1, 2004, I forwarded these documents a second time to Mr. Proctor. Both sets of

documents were sent to this inventor by First Class Mail. Copies of my letters are attached hereto as Exhibits A and B.

Mr. Proctor as of this date has still not returned the executed documents despite attempts to obtain his signature.

The last known address of Mr. James A. Proctor, Jr. is:

258 Sea View Street
Melbourne Beach, FL 32951

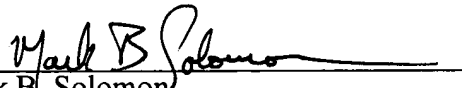
The executed Declaration for the other inventor, Pertti O. Alapuranen, is being submitted herewith in response to the Notice to File Missing Parts dated February 19, 2004. A copy of the Notice is enclosed.

The attached check in the amount of \$1880 includes payment of the filing fees, surcharge, and fee required under 37 C.F.R. §1.17(h).

Please charge any additional fees due in this matter to Applicants' Attorney Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH AND REYNOLDS, P.C.

By 
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: 4/16/04

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

PATENTS, TRADEMARKS
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* NOT ADMITTED IN MASS.

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MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



December 15, 2003

Mr. James A. Proctor, Jr.
258 Sea View Street
Melbourne Beach, Florida 32951

Mr. Pertti O. Alapuranen
147 Dotted Dove Lane
Indialantic, Florida 32903

Re: Title: "Method and Apparatus for Allowing Soft Handoff of a CDMA
Reverse Link Utilizing an Orthogonal Channel Structure"
HBSR Docket No.: 2479.2138-001

Dear Mr. Proctor and Mr. Alapuranen:

We previously forwarded to you a copy of the original patent application as filed in the U.S. Patent and Trademark Office on November 20, 2003.

Enclosed is a Declaration for Patent Application for the referenced case and an Assignment form in which each inventor assigns rights to the invention to **InterDigital Communications Corp.**

It is appropriate at this time to confirm that we have designated the correct inventor(s) in the attached Declaration and that the specification and claims meet the enablement and best mode requirements under U.S. patent law.

To assist you in this determination, each inventor should note the following:

1. Inventorship: Only persons who have made an inventive contribution to the conception of at least one of the claims in the patent application should be listed as an inventor. Any doubts on this matter should be resolved with me before proceeding further.

Mr. James A. Proctor, Jr.
Mr. Pertti O. Alapuranen
December 15, 2003
Page 2

2. Enablement: This requirement imposes an obligation on the inventor to describe the invention in sufficient detail to enable a person skilled in the art to make and use the invention which is the subject of the patent application without undue experimentation.

3. Best Mode: The "best mode" requirement goes further than the "enablement" requirement by obligating the inventor to include in the patent application a description of the best mode contemplated by the inventor of practicing the invention.

An inventor's failure to comply with the "best mode" or "enablement" requirements may invalidate a patent. In addition, intentional failure to correctly name inventors could result in an invalid or unenforceable patent. If you have any questions or concerns, please call me.

Please note that the Declaration requires that each inventor carefully read the patent application in its entirety before signing it. If the application is acceptable, please have each inventor sign and date the Declaration in BLUE ink. Each inventor should also check to be sure that the typed name, address and citizenship on the Declaration are correct. If they are not, the inventor should indicate the correct information in BLUE ink, and initial and date each correction in the margin.

If you have any questions or concerns, or feel any changes need to be made in the Declaration, please call me.

Each inventor should sign and date the Assignment in BLUE ink in the presence of two witnesses. The witnesses should sign the Assignment in the spaces provided below the signature which they witnessed, and print their home addresses in the spaces provided.

Please return **all** pages of these documents as soon as possible for filing in the U.S. Patent and Trademark Office.

Very truly yours,
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon

MBS/ecl(mab)Enclosures

cc: Ms. Kathy Renyo

David J. Thibodeau, Jr., Esq.

@PFDesktop\ODMA\MHODMA\HBSR05\iManage\438293\1

DOCKET NO. 2479.2138-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method and Apparatus for Allowing Soft Handoff of a CDMA Reverse Link Utilizing an Orthogonal Channel Structure

the specification of which (check one)

[] is attached hereto.

[X] was filed on November 20, 2003 as United States Application Number 10/717,995.

[] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. []].

[] and was amended on [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor James A. Proctor, Jr.

Inventor's Signature _____ Date _____

Residence 258 Sea View Street

Melbourne Beach, Florida 32951

Citizenship USA

Mailing Address Same As Above

Full name of second joint

inventor, if any Pertti O. Alapuranen

Inventor's Signature _____ Date _____

Residence 147 Dotted Dove Lane

Indialantic, Florida 32903

Citizenship Finland

Mailing Address Same As Above

=====

Joint

ASSIGNMENT

WHEREAS, we, **James A. Proctor, Jr. and Pertti O. Alapuranen**, have invented a certain improvement in **METHOD AND APPARATUS FOR ALLOWING SOFT HANDOFF OF A CDMA REVERSE LINK UTILIZING AN ORTHOGONAL CHANNEL STRUCTURE** described in an application for Letters Patent of the United States,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☒ the specification of which was filed on **November 20, 2003** as United States Application No. **10/717,995**;
- ☐ the specification of which is the United States National Stage of International Application No. **[PCT Appl'n No.]**, filed on **[PCT Filing Date]** **[OPTION]** and assigned United States Application No. **[]** (*use for 35 USC §371 filings only*);
- ☐ which was patented under United States Patent No. **[]** on **[]**.

WHEREAS, **InterDigital Communications Corp.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **1450 South Babcock Street, Melbourne, Florida 32901** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the

Docket No. 2479.2138-001

execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

Inventor _____ Date _____
James A. Proctor, Jr.

Address 258 Sea View Street
Melbourne Beach, Florida 32951

Witness _____

Address _____

Witness _____

Address _____

Docket No. 2479.2138-001

Inventor _____ Date _____
Pertti O. Alapuranen

Address 147 Dotted Dove Lane
Indialantic, Florida 32903

Witness _____

Address _____

Witness _____

Address _____

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

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* NOT ADMITTED IN MASS.

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MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



March 1, 2004

Mr. James A. Proctor, Jr.
258 Sea View Street
Melbourne Beach, Florida 32951

Mr. Pertti O. Alapuranen
147 Dotted Dove Lane
Indialantic, Florida 32903

Re: Title: "Method and Apparatus for Allowing Soft Handoff of a CDMA
Reverse Link Utilizing an Orthogonal Channel Structure"
HBSR Docket No.: 2479.2138-001

Dear Mr. Proctor and Mr. Alapuranen:

On December 15, 2004, we sent you a copy of the above referenced patent application with a Declaration for Patent Application and an Assignment for your signature. To date, we have not received the signed documents.

Copies of the Declaration and Assignment forms are enclosed. Kindly sign the Declaration and sign and have witnessed the Assignment. Please return the signed documents to us in the enclosed envelope.

Thank you for your anticipated cooperation.

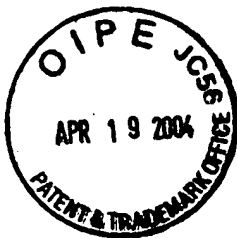
Very truly yours,

Mark B. Solomon

MBS/ec1
Enclosures

cc: Ms. Kathy Renyo
David J. Thibodeau, Jr., Esq.

@PFDesktop\:\ODMA\MHODMA\HBSR05\iManage\456674;1



DOCKET NO. 2479.2138-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
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_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor James A. Proctor, Jr.

Inventor's Signature _____ Date _____

Residence 258 Sea View Street

Melbourne Beach, Florida 32951

Citizenship USA

Mailing Address Same As Above

Full name of second joint

inventor, if any Pertti O. Alapuranen

Inventor's Signature _____ Date _____

Residence 147 Dotted Dove Lane

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NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the

Docket No. 2479.2138-001

execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

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James A. Proctor, Jr.

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Melbourne Beach, Florida 32951

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Pertti O. Alapuranen

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